IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE TWENTY SECOND DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE BILAL NAZKI

and
THE HON'BLE MR JUSTICE S.ANANDA REDDY

WRIT PETITION NO : 16695 of 2004

Between:

M/s. Baker's Fun, Lakshmipuram, Guntur, Rep by its Proprietor,
G. Ragha Krishna Murthy

..... PETITIONER

AND

1 Addl. Commissioner (CT) Legal (FAC), A.P. at Nampally,
Hyderabad.

2 Commercial Tax Officer, Brodipet, Guntur.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ of Mandamus or any other appropriate writ or writs, order or direction declaring the order passed by the 1st respondent in CCT's Ref.No. LV(1)/1657/2004 dt. 25-8-2004 as illegal, arbitrary and set aside the same and consequently restrain the 2nd respondent from collecting the disputed taxes for the years 2000-01, 2001-02 and 2002-2003 pending disposal of the appeals before the Tribunal.

Counsel for the Petitioner: MR.MANTURVENKATRAM REDDY

Counsel for the Respondents: SPECIAL STANDING COUNSEL FOR COMMERCIAL TAX

The Court made the following O R D E R:

(Per the Hon'ble Sri Justice Bilal Nazki).

Heard learned Counsel for the parties. With their consent, the Writ Petition is disposed of at this stage.

The controversy is that pending appeals, applications for stay filed by the petitioner were dismissed by the competent authority. We have gone through the record and heard learned Counsel for the parties. We feel that the interest of justice would have been met if stay was granted pending appeals, subject to deposit of half of the disputed liability. Therefore, we set aside the order of the authority and direct that half of the disputed tax liability shall be paid by the petitioner within a period of eight weeks. For eight weeks, there shall be an unconditional stay and the stay shall continue till disposal of the appeals, provided the amount is deposited within eight weeks. The deposit of amount shall be without prejudice to the rights of the petitioner in the appeals.

Writ Petition is disposed of accordingly. No costs.

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(BILAL NAZKI, J)

22nd September, 2004.

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(S.ANANDA REDDY, J)

vrn

To

1 Addl. Commissioner (CT) Legal (FAC), A.P. at Nampally, Hyderabad.

2 Commercial Tax Officer, Brodipet, Guntur.

3 Two C.D copies